

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652813/2012 **E**

**AFFIRMATION OF MATTHEW J.
AARONSON**

Hon. Andrea Masley

Motion Seq. []

DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652933/2012 **E**

MATTHEW J. AARONSON, ESQ., an attorney duly admitted to practice before the courts of the State of New York, hereby affirms the following to be true and under penalty of perjury:

1. I am a member of the law firm of Troutman Sanders LLP, counsel for Defendants XL Select Insurance Company and XL Insurance America, Inc. (“XL”) in the above-captioned matter (the “Insurance Coverage Action”).

2. I am fully familiar with all of the facts and circumstances set forth below and respectfully submit this affirmation in support of the Insurers’ motion pursuant to CPLR 3104(d)

seeking partial review and modification of the February 26, 2019 Memorandum and Order of Special Referee Michael Dolinger Regarding the Insurers' Omnibus Motion to Compel.

3. The Insurers joining in this submission are as follows: TIG Insurance Company, The North River Insurance Company, United States Fire Insurance Company, Discover Property & Casualty Insurance Company, St. Paul Protective Insurance Company, Travelers Casualty & Surety Company, Travelers Indemnity Company, Travelers Property Casualty Company of America, Continental Insurance Company, Continental Casualty Company, Bedivere Insurance Company, ACE American Insurance Company, Century Indemnity Company, Indemnity Insurance Company of North America, California Union Insurance Company, Illinois Union Insurance Company, Westchester Fire Insurance Company, Federal Insurance Company, Great Northern Insurance Company, Vigilant Insurance Company, Munich Reinsurance America, Inc., XL Insurance America, Inc., XL Select Insurance Company, American Guarantee and Liability Insurance Company, Arrowood Indemnity Company, and Westport Insurance Corporation.

4. Attached hereto as Exhibit 1 is a true and accurate copy of the Insurers August 21, 2018 Omnibus Motion to Compel the NFL Parties to use certain search terms and custodians, and to produce certain categories of documents ("Omnibus Motion") and all exhibits attached thereto.

5. Attached hereto as Exhibit 2 is a true and accurate copy of the NFL Parties' September 21, 2018 Brief in Opposition to the Omnibus Motion and all exhibits attached thereto.

6. Attached hereto as Exhibit 3 is a true and accurate copy of the Insurers' October 11, 2018 Reply in Support of the Omnibus Motion and all exhibits attached thereto.

7. Attached hereto as Exhibit 4 is a true and accurate copy of Special Referee Dolinger's Memorandum and Order dated February 26, 2019 (the "Order").

8. Attached hereto as Exhibit 5 is a true and accurate copy of the February 28, 2019 email transmitting the Order.

9. Attached hereto as Exhibit 6 is true and accurate copy of the Transcript of Proceedings before Special Referee Dolinger on the Discovery Motions (November 27, 2018).

WHEREFORE, it is respectfully submitted that the instant motion should be, in all respects, granted, together with such other and further relief as this Court deems just and proper.

Dated: New York, New York
March 14, 2019

By: /s/ Matthew J. Aaronson
Matthew J. Aaronson, Esq.